

REMARKS/ARGUMENTS

Claims 1-16, 18-22, and 24-30 were pending in this application. According to the July 22, 2004 Final Rejection, claims 1-16, 18-22, and 24-30 were rejected. Applicant has amended claims 1, 9, 11, 18, 22, 24, 28, and 29 and canceled claims 6, 10, 12, 21, and 25. Accordingly, claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30 are under consideration. Applicant maintains that the amendments do not introduce any new matter.

Rejection of Claims 18-22, 24-25, and 28-30 under 35 U.S.C. §112

The Examiner rejected previously presented claims 18-20, 22, 24-25 and 28-30 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner indicated that the “straight edge area” of the extended hook region as recited by these claims is not supported by the disclosure. As indicated, claim 25 has been canceled. In response to the Examiner’s rejection, applicant has amended claims 18, 22, 24, 28, and 29 to recite that the extended hook region has “an extended hook region surface” rather than a “straight edge area.” Such recitation is supported, for example, by element 26 of the Figures.

The Examiner rejected previously presented claims 21-22, 25, and 28-30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Specifically, the Examiner indicated that the recitation by claims 21, 25, and 28 of “a straight edge area with convexly curved surface” is vague and indefinite as it appears contradictory. As indicated, applicant has canceled claims 21 and 25. As for claim 28, as described above, applicant has amended this claim to recite “an extended hook region surface” rather than “a straight edge area,” thereby removing the contradiction.

The Examiner also indicated that claim 21, line 1 is vague. Again, claim 21 has been canceled.

Finally, the Examiner indicated that in claim 29 it is not clear whether the recited “hook opening” in lines 1 and 4 are the same. In response thereto, applicant has amended claim 29 to clarify that the two openings are the same.

Rejection of Claims 1-6, 9, 11, 13, 14, 18-22, and 26-28 in view of Bruhm

The Examiner rejected previously presented claims 1-6, 9, 11, 13, 14, 18-22, and 26-28 as unpatentable, 35 U.S.C. 102(b), in view of Bruhm, patent 5,325,568, July 5, 1994 (hereinafter Bruhm). In response to the Examiner’s rejection, applicant has canceled claim 21.

Turning to claims 1 and 6, the Examiner indicated that Bruhm discloses these claims in Figures 1 and 3, which show a structure comprising a strap 10 and a clinch 12 with a hook portion 13. The Examiner further indicated that the limitations regarding the dimensions of the “hook portion” as recited by these claims are intended use limitations and as such, have not been given patentable weight. In response thereto, applicant has amended claim 1 to include the limitations of claim 6, thereby canceling claim 6, and has further amended claim 1 to remove the intended use limitations. As such, amended claim 1 now recites in part that the “hook portion of said hook member is configured to have a size and shape to be carried directly on a garment hanging rod and wherein said strap and said loop are configured to have a size and shape for receiving a hook portion of a garment hanger and for providing lateral support to the garment hanger.”

Significantly, Bruhm is completely divergent from amended claim 1 and is directed at a structure for securing items to a truck or rail car flatbed, for securing a tarp around a bundle of goods, or for securing a trunk in an open position while a large object is in the trunk. (Bruhm, column 1, lines 6-14). In particular, Bruhm discloses that hook portion 13 of clinch 12 is configured to attach to an attachment member of a truck, for example. (Bruhm, column 2, lines 44-58). Bruhm further teaches that when securing objects using the disclosed structure, the strap

is either looped through an eyelet of a tarpaulin or is wrapped around an object and connected to clinch 12 (Bruhm, column 2, lines 44-58). As seen, the hook portion, strap, and loop of the structure disclosed by Bruhm are configured for applications that are completely divergent from garment hanging rods and garment hangers. As such, Bruhm fails teach or suggest a hook portion that are specifically “configured to have a size and shape to be carried directly on a garment hanging rod,” or a loop and strap that are specifically “configured to have a size and shape for receiving a hook portion of a garment hanger and for providing lateral support to the garment hanger,” as amended claim 1 now recites. Accordingly, Bruhm fails to teach or suggest amended claim 1, and also claims 2-5 and 26-27, which depend therefrom.

Turning to independent claims 9, 11, 18, and 22, the Examiner again indicated that Bruhm discloses these claims in Figures 1 and 3 and that the dimensions of the “hook opening” as recited by these claims are intended use limitations and have not been given patentable weight. In response thereto, applicant has amended claims 9, 11, 18, and 22 to remove the intended use limitation and to now recite in part that the “hook opening is configured to have a dimension sufficiently near a diameter of a predetermined garment hanging rod to thereby impede passage of said rod through said hook opening.”

Contrary to amended claims 9, 11, 18, and 22, Bruhm fails to teach or suggest that hook opening 14 of clinch 12 is specifically configured to a dimension meant to impede the passage of some predetermined mechanism to which clinch 12 is attached, let alone that the opening has a dimension near that of a garment hanging rod to thereby impede passage of the rod. In fact, Bruhm fails to provide any characteristics of hook opening 14 at all. As such, amended claims 9, 11, 18, and 22, along with claims 13-14, which depend from claim 11, and claims 19-20 and 28, which depend from claim 18, are novel and nonobvious in view of Bruhm.

Rejection of Claims 1, 6-9, 11, 15, 16, 21, and 26 in view of Smrt

The Examiner rejected previously presented claims 1, 6-9, 11, 15, 16, 21, and 26 as unpatentable, 35 U.S.C 102(b), in view of Smrt, patent 5,664,712, September 9, 1997 (hereinafter Smrt). As indicated, claims 6 and 21 have been canceled.

Turning to claim 1, the Examiner indicated that Smrt discloses this claim in Figures 4 and 7, which show a structure comprising a strap 1 and a hook 2. It appears to applicant that as seen in these Figures, hook 2 is of a type that comprises a springing clasp that extends from the “body portion” to the “extended portion of the hook”, as noted by the Examiner. When hook 2 is attached to a loop, such as seen in Figure 7 for example, the loop is pressed against the latch thereby forcing the latch away from the extended portion of the hook. Once the loop passes, the latch springs back and re-engages the extended portion of the hook.

As seen in Figures 1 and 7a of the Specification, for example, applicant’s invention uses a hook with a fixed size opening. However, as just described, the springing latch of Smrt forms a variable size hook opening, depending on the pressure exerted against the latch. Accordingly, applicant has amended claim 1 to further clarify applicant’s invention. Claim 1 now recites in part that the device comprises “an extended hook region on an end of said hook portion; [and] a fixed size hook opening between said body portion and said extended hook region.” As such, Smrt fails to teach or suggest amended claim 1, and also claims 2-5 and 26, which depend therefrom.

Turning to independent claims 9 and 11, the Examiner again indicated that Smrt discloses these claims in Figures 4 and 7. However, the Examiner also acknowledged that Smrt does not teach or suggest the limitations of claims 10 and 12, which depend from claims 9 and 11, respectively. As such, applicant has amended claims 9 and 11 to include the limitations of claims 10 and 12, respectively. Accordingly, Smrt fails to teach or suggest claims 9 and 11, and also claims 15-16, which depend from claim 11.

Rejection of Claims 1, 5-7, 9-12, 15, 18-22, 24, 25, and 28-30 in view of Tinklepaugh

The Examiner rejected previously presented claims 1, 5-7, 9-12, 15, 18-22, 24, 25, and 28-30 as unpatentable, 35 U.S.C 102(e), in view of Tinklepaugh et al., patent 6,422,521, July 23, 2002 (hereinafter Tinklepaugh). As indicated, claims 6, 10, 12, and 21 have been canceled.

Beginning with amended claim 1, the Examiner indicated that Tinklepaugh discloses the elements of this claim in Figures 6, 8, and 10. Tinklepaugh discloses in these Figures a hose support system for connecting a train air hose to a rail car (Tinklepaugh, column 1, lines 10-11). This support system comprises two hooks 54/56, for example, interconnected by a strap 52. The Examiner equates hooks 54/56 to the hook member of claim 1. However, as indicated, amended claim 1 now recites in part that the “hook portion of said hook member is configured to have a size and shape to be carried directly on a garment hanging rod.” Contrary to claim 1, Tinklepaugh teaches that hooks 54/56 are specifically configured to attach to the aperture of a train air hose or to the aperture of a rail car (Tinklepaugh, column 3, lines 26-30). Significantly, such configurations are completely divergent from garment hanging rods and as such, Tinklepaugh fails to teach or suggest the configuration of the hook portion of the hook member as recited by claim 1.

Tinklepaugh also discloses a set of loops in strap 52, which strap and loops the Examiner equates to the strap and loop of claim 1. As taught by Tinklepaugh, the loops in strap 52 are used to connect this strap to hooks 54/56 and to clasp 64. However, such teachings fail to teach or suggest that the strap and loops are also “configured to have a size and shape for receiving a hook portion of a garment hanger and for providing lateral support to the garment hanger,” as claim 1 further recites. Accordingly, Tinklepaugh fails to teach or suggest amended claim 1, and also claims 5 and 7, which depend therefrom.

Turning to independent claims 9, 11, 18, and 22, the Examiner again indicated that Tinklepaugh discloses the elements of these claim in Figures 6, 8, and 10 and that the dimensions of the “hook opening” as recited by these claims are intended use limitations and have not been given patentable weight. As indicated above, these claims have been amended to remove the intended use limitation and to now recite in part that the “hook opening is configured to have a dimension sufficiently near a diameter of a predetermined garment hanging rod to thereby impede passage of said rod through said hook opening.”

Significantly, the Examiner equates the hook opening of amended claims 9, 11, 18, and 22 to “throat” 100 of hooks 54/56 of Tinklepaugh. In general, Tinklepaugh makes only one reference to the characteristics of hooks 54/56: that the hooks “should snap in and be simply removed, though not displaced by the bouncing experience while the train is moving.” (Tinklepaugh, column 4, lines 33-35). However, contrary to amended claims 9, 11, 18, and 22, such teachings fail to teach or suggest that “throat” 100 in hooks 54/56 is specifically configured to a dimension meant to impede the passage of a hose aperture or rail car aperture, let alone that throat 100 has a dimension near that of a garment hanging rod to thereby impede passage of the rod. As such, amended claims 9, 11, 18, and 22, along with dependent claim 15, which depends from claim 11, and dependent claims 19-20, and 28, which depend from claim 18, are novel and nonobvious in view of Tinklepaugh.

Turning to claims 24-25 and 29-30, the Examiner again indicated that Tinklepaugh discloses the elements of these claims in Figures 6, 8, and 10 and that the dimensions of the hook opening as recited by these claims are intended use limitations and have not been given patentable weight. In response thereto, applicant has amended claim 24 to include the limitations of claim 25, thereby canceling claim 25, and has further amended claims 24 and 29 to remove the intended use limitations and to clarify applicant’s invention. Claims 24 and 29 now recite in part that the “first and second convexly curved surfaces are configured to define a first dimension that is sufficiently near a diameter of said predetermined garment hanging rod such

that when said axis is generally orthogonal to said rod, passage of said rod through said hook opening is impeded; and wherein said first and second convexly curved surfaces are configured to define a second dimension that is wider than said first dimension such that when said axis is at an angle to said rod, said device is more easily removed from said rod.”

Again, the Examiner equates the hook opening of amended claims 24 and 29 to “throat” 100 of hooks 54/56. However, other than indicating that the hooks “should snap in” as discussed above, Tinklepaugh fails to teach or suggest any specific configuration of throat 100 relative to the hose aperture or rail car aperture, let alone a predetermined garment hanging rod. More specifically, Tinklepaugh fails to teach or suggest that throat 100 is specifically configured to have two dimensions such that the first dimension is sufficiently near that of a hose aperture or rail car aperture to thereby impede passage of the aperture through the throat and such that the second dimension is wider than the first dimension so that the hook can be more easily removed from the aperture. As such, amended claims 24 and 29, and claim 30 which depends from claim 29, are novel and nonobvious in view of Tinklepaugh.

Since Bruhm, Smrt, and Tinklepaugh do not teach or suggest applicant’s invention as now set forth in amended claims 1-5, 7-9, 11, 13-16, 18-20, 22, 24, and 26-30, applicant submits that these claims are clearly allowable. Favorable reconsideration and allowance of these claims are therefore requested.

Applicant earnestly believes that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would

in any way facilitate the prosecution of this application, he is invited to telephone applicant's counsel at the number given below.

EXPRESS MAIL CERTIFICATE

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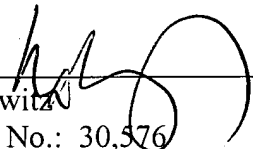
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